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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 JAMES PANIGADA,
14 Plaintiff,

No. C 05-3602 CRB

ORDER OF REMAND

15 v.


16 GMC, aka GENERAL MOTORS
17 CORPORATION,
18 Defendant.

19 Plaintiff filed a complaint in state court alleging a products liability cause of action
20 against defendant on July 13, 2005. On September 7, 2005, defendant filed a Notice of
21 Removal with this Court pursuant to diversity jurisdiction under 28 U.S.C. § 1441(b). In that
22 notice, defendant failed to establish by a preponderance of the evidence that the amount-in-
23 controversy exceeded \$75,000, the amount required to invoke diversity jurisdiction. See
24 Sanchez v. Monumental Life Ins. Co., 102 F.3d 398, 404 (9th Cir. 1996). The Court filed an
25 Order to Show Cause as to the amount-in-controversy on September 13, 2005. On
26 September 22, 2005, defendant filed a Response to the Order to Show Cause in which it
27 conceded that it could not show that the amount-in-controversy would exceed \$75,000. As a
28 result, defendant has failed to meet its burden to remove the matter to federal court under
diversity jurisdiction. "Where doubt regarding the right to removal exists, a case should be

remanded to state court.” Matheson v. Progressive Specialty Ins. Co., 319 F.3d 1089, 1090
(9th Cir. 2003). Accordingly, this case is hereby REMANDED to state court.

IT IS SO ORDERED.

Dated: October 3, 2005



CHARLES R. BREYER
UNITED STATES DISTRICT COURT

United States District Court

For the Northern District of California